

**REMARKS**

The following remarks are provided in response to the Final Office Action mailed March 10, 2003.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

Claims 2-12 and 14-17 and amended claims 1 and 13 are in this application.

In the March 10<sup>th</sup> Final Office Action, claims 1-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lam in view of Kamiyama.

In explaining the above 103 rejection the Examiner appears to rely on fig. 2, S2-S3; col. 6, lines 21-23; col. 7, lines 15-22 and 58-67; col. 8, lines 61-64; and table 1 of Lam to teach the reading means of claim 1. Furthermore, in the Office Action, the Examiner asserted that the file server 10 is equivalent to the first storage medium of claim 1 and secondary storage 20 is equivalent to the second storage medium of claim 1.

Independent claim 1, as amended herein, recites in part as follows:

“a reading means for reading the stored data from the opened file in the second storage medium and loading the read data in to a predetermined area on the memory of the data processor and storing the same thereat without transferring to or storing the read data to the first storage medium during a reverse migration process.” (Underlining and bold added for emphasis.)

Accordingly, the reading means opens a migrated file in the second storage medium and stores the data in a memory of the data processor without transferring the data to the first storage medium during a reverse migration process.

It is respectfully submitted that the portions of Lam cited by the Examiner do not teach the above-recited feature. That is, such portions of Lam appear to merely disclose a “migration” process for migrating data from a file server 10 to a secondary storage 20. (See, for example, col. 6, lines 16-23) On the other hand, claim 1 reads data “from the opened file in the second storage medium” and loads the data “in to a predetermined area on the memory of the data processor without transferring to or storing the read data to the first storage medium during a reverse migration process.”

As a further indication that Lam does not disclose the reading means of claim 1, reference is made to col. 8, lines 9-31 wherein Lam states:

“Once a file has been migrated from the file server 10 into the HSM system 2, the file is retrieved via demigration to the file server 10. Demigration occurs, for example, when the user accesses a migrated file and the file server 10 requests the file via the migration engine 11. As shown in FIG. 3, the demigration process is initiated in step S10 when a migrated file is requested by the file server 10.

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After the data from the migrated file is read, the sparse file is opened in step S12 by the migration engine 11. In step S13, the contents of the original file retrieved from the HSM system 2 are loaded into the sparse file, converting the sparse file back to the original file having its original physical allocation. Thus, after step S13, the original file is again resident on the file server 10 in it (sic) original (e.g., premigration) form. ”

Therefore, even though Lam mentions a demigration process, during such demigration (or reverse migration) process, the opened migrated file in the secondary storage 20 is loaded back on to the file server 10 (first storage medium). As is to be appreciated, such

arrangement is unlike the reading means of claim 1, wherein data from the opened file in the second storage medium is loaded on to the memory of the data processor without storing it on to the first storage medium during a reverse migration process. Accordingly, claim 1 is believed to be distinguishable from the applied combination of Lam and Kamiyama.

For reasons similar to those described above with regard to claim 1, amended independent claim 13 is also believed to be distinguishable from the applied combination of Lam and Kamiyama.

Claims 2-12 and 14-17 depend from one of claims 1 and 13, and, due to such dependency, are also believed to be distinguishable from the applied combination of Lam and Kamiyama.

It is to be appreciated that the foregoing comments concerning the disclosures in the cited prior art represent the present opinions of the Applicant's undersigned attorney and, in the event, that the Examiner disagrees with any such opinions, it is requested that the Examiner indicate where, in the reference or references, there is the basis for a contrary view.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable over the prior art, and early and favorable consideration thereof is solicited.

Respectfully submitted,  
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